



STATE OF WASHINGTON  
**BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

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**MEMORANDUM**

**Date:** August 12, 2003  
**To:** Rule Distribution Mailing List and All Interested Parties  
**From:** Joe Vincent Jr.  
**Subject:** Filing of Proposed Rules and Notice of Rule Hearings

Attached are proposed rules recently filed with the Code Reviser's Office on behalf of the Board, filed as WSR 03-16-112 and WSR 03-16-113. These Washington State Register numbers will be published to the below link on August 20, 2003 -<http://slc.leg.wa.gov/wsr/register.htm>

There will be two separate hearings to obtain public comment on the proposed rules. Those hearings are scheduled to run concurrently beginning at 7:00 PM, September 9, 2003 at the La Quinta Inn, 1425 East 27<sup>th</sup> Street, Tacoma, WA 98421.

Below is a summary of the new/amended rules that are proposed for adoption by the Board followed by the actual proposed rules:

**WAC196-09 – Board Practices and Procedures.** This proposed rule has been filed as WSR 03-16-112 and contains language implementing the Uniform Regulation of Business and Professions, RCW 18.235, providing for brief adjudicative proceedings, and outlining the circumstances in which the Board may pursue reimbursement of specific investigative costs, as well as general housekeeping and reorganization of existing Board rules.

The following rules have been filed as WSR 03-16-113 and with noted exceptions are general reorganizing and housekeeping in nature in accordance with the Governor's directive for rule review:

**WAC 196-12 - Registered Professional Engineers**  
**WAC 196-16 – Registered Professional Land Surveyors**

## **WAC 196-21 – Land Surveyors-In-Training**

**WAC 196-23-070(2)(e) – Stamping and Seals** - Language regarding electronic signatures and conformance with chapter 19.34 RCW is removed upon recommendation of the Office of the Secretary of State as not applicable.

## **WAC 196-24 –**

**Section 041 – Brief adjudicative proceeding** - is moved to the new 196-09-050.

**Section 080 – Fees** - is deleted as fees are covered in 196-26A.

**Section 085 – Temporary Permits** - Information required of nonresidents intending to practice thirty days or less in a calendar year – reference to land surveying is removed and the remainder placed into WAC 196-12.

**Section 100 Meetings and Officers** - is moved to new WAC 196-09-120. **Section 105 – Examination Review** – is deleted as examination review is referenced in 196-12, 16, 20 and 21 and is redundant.

**Section 110 – Land Surveying Standards** – is revised and re-titled to “*Specific guidance concerning the monumentation, posting, and/or marking of a boundary line between two existing corner monuments*”, and is moved to new section WAC 196-27A-025.

**WAC 196-25 – Business Practices** - Resident engineer or land surveyor, “Employee”, “Branch office” and “Project office” are defined. **Section 100 – Retired status certificate of registration** - is removed and placed into the appropriate sections of 196-12 and 16.

**WAC 196-27A – Rules of Professional Conduct and Practice** – is amended to include land surveying standards previously part of WAC 196-24-110 (see above).

If you would like to make written comment on these proposed rules please send to the Board’s address or fax number shown. Each comment will be considered, responded to, and become part of the rule record. If you have any other questions please contact Joe Vincent Jr. at (360) 664-1567 or email to [jvincent@dol.wa.gov](mailto:jvincent@dol.wa.gov).

## Chapter 196-09 WAC

### BOARD PRACTICES AND PROCEDURES

AMENDATORY SECTION (Amending WSR 98-12-045, filed 5/29/98, effective 7/1/98)

**WAC 196-09-010 Declaration of purpose.** This chapter contains rules and administrative procedures for ~~((all adjudicative))~~ proceedings held by the board in executing its responsibilities under chapter 18.43 RCW. ~~((This chapter replaces all rules previously codified in chapter 196-08 WAC.))~~

#### NEW SECTION

**WAC 196-09-050 Brief adjudicative proceedings.** The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Such proceedings may be held at the request of the applicant/registrant/board (petitioner) for the following purposes:

(1) To appeal a determination that an applicant for certification as an engineer-in-training or land surveyor-in-training does not meet the minimum certification requirements as provided in chapter 18.43 RCW and/or chapters 196-20 and 196-21 WAC; or

(2) To appeal a determination that a professional engineer or professional land surveyor applicant does not meet the minimum licensing requirements as provided in chapter 18.43 RCW and/or chapter 196-12 WAC (PE) and chapter 196-16 WAC (PLS); or

(3) To determine whether a licensee requesting renewal or reinstatement has submitted all required information and has met the minimum criteria for renewal or restatement; or

(4) To determine whether an individual, named in default of student loan payments under RCW 18.43.160, holds a certification or license issued under chapter 18.43 RCW.

#### NEW SECTION

**WAC 196-09-055 Records required for brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

(1) Applicants for certification/licensing: Original complete application with all attachments required by the board; all documents relied upon in reaching the determination of ineligibility; and all correspondence between the applicant and the board about the application or the appeal.

(2) License renewal or reinstatement: Copy(ies) of original renewal notice(s) sent by the department of licensing to the licensee; all documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(3) Default of student loan payments: Copy(ies) of notice(s) to the board showing the name and other identification information of the individual claimed to be in default on student loan payments; copies of identification information corresponding to the person(s) who is (are) certified/licensed by the board that relate to the identity of the individual in default; and all documents received by the board from or on behalf of the licensee relating to rebutting such identification.

#### NEW SECTION

**WAC 196-09-060 Procedures for brief adjudicative proceedings.** A brief adjudicative proceeding shall be held under the supervision of a presiding officer as designated by the board chair. The presiding officer shall have knowledge and experience in the administrative processes of the board and the requirements of the provisions for a brief adjudicative proceeding as provided for in chapter 34.05 RCW and WAC 196-09-050 through 196-09-060, but shall not have participated in the determination or action under review. Except as may be otherwise required by the presiding officer, the following procedures shall apply:

(1) The petitioner shall present petitioner's position in writing in accordance with the process and schedule established by the presiding officer.

(2) The presiding officer may accept oral testimony and/or argument.

(3) No witnesses may appear to testify.

(4) In addition to the written record, the presiding officer may employ agency expertise as a basis for the decision.

(5) The presiding officer will not issue an oral order at the time of the brief adjudicative proceeding. Within ten days of the final date established by the presiding officer for receipt of additional materials and/or oral arguments, if any, the presiding officer will enter a written initial order.

#### NEW SECTION

**WAC 196-09-100 Investigative cost reimbursement.** The reimbursement of investigative costs may be ordered by the board if the adjudicative process has resulted in a finding by the board that identifies conduct which is considered misconduct or malpractice and has resulted in the suspension or revocation of the license to practice. Costs subject to reimbursement are those expenses paid by the board during the investigation process, such as expert or consultant witness contracts.

#### NEW SECTION

**WAC 196-09-110 Cooperation with board investigation.** In the course of an investigation and request by the board under its authority in chapter 18.43 RCW, a licensee or registrant must provide any papers, records, or documents in their possession or accessible to them that pertain to the allegations in a complaint or investigation, and a written explanation addressing such complaint/investigation or other information requested by the board. A facility related to a complaint or investigation shall be made accessible by the licensee during regular business hours.

#### NEW SECTION

**WAC 196-09-120 Meetings and officers.** The Washington state board of registration for professional engineers and land surveyors shall hold its regular public meeting annually in June. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

At the regular annual meeting the board shall elect a chair and vice-chair to hold office for one year commencing July 9. The executive director of the board shall serve as secretary. A vacancy in any office shall be filled for the remainder of the term by special election at the next special public meeting.

#### NEW SECTION

**WAC 196-12-005 Declaration and purpose.** This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional engineers.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

**WAC 196-12-010 Eligibility and applications.** The law requires eight years of experience in engineering work of a character satisfactory to the board and passing the fundamentals-of-engineering examination to be eligible for the second stage (PE) engineer examination. These eight years must be of broad based, progressive experience to include gaining knowledge and comprehension of engineering subjects and applying engineering principles. The eight years of experience must be completed sixty days prior to the date of the examination.

A professional engineer (PE) applicant must have passed the first stage examination (the fundamentals-of-engineering (FE) examination) and be enrolled as an engineer-in-training (EIT), or qualify to waive the FE examination in accordance with WAC

196-12-050, before he or she can take the second stage (PE) examination. If the applicant has at least eight years of qualifying engineering experience, the PE examination may be applied for at the same time that he or she applies for the FE examination. The PE application may also be submitted before the results of the FE examination have been received, provided the application is submitted at least four months before the second stage examination date.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee (~~((and charge))~~) as listed in WAC (~~((196-26-020))~~) 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be (~~((submitted in a timely manner))~~) received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to ((meet)) examination ((preparation)) deadlines. ((An applicant will be notified what documents are missing, and a date set by the board by which those documents must be received.)) Failure to have the (~~((missing))~~) supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

To reschedule the taking of an examination, a written request accompanied by the applicable fee (~~((and charge))~~) as listed in WAC (~~((196-26-020))~~) 196-26A-025 is required at least three months prior to the examination date. Once an application has been approved, no further application is required.

AMENDATORY SECTION (Amending WSR 02-01-071, filed 12/14/01, effective 1/30/02)

**WAC 196-12-020 Experience records.** (~~((The law requires eight years of experience in engineering work of a character satisfactory to the board and passing the fundamentals of engineering examination to be eligible for the second stage (PE) engineer examination. These eight years must be of broad based, progressive experience to include gaining knowledge and comprehension of engineering subjects and applying engineering principles. The eight years of experience must be completed sixty days prior to the date of the examination.))~~)

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience

as appropriate. The board will use the following criteria in evaluating an applicant's experience record:

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in engineering approved by the engineer accreditation commission (EAC) of the accreditation board for engineering and technology (ABET, Inc.) shall be equivalent to four years of required experience. Satisfactory completion of each year of such an approved engineering curriculum is equivalent to one year of experience.

(b) Graduation with a baccalaureate degree in a program in engineering technology approved by the technology accreditation commission (TAC) of the accreditation board for engineering and technology (ABET, Inc.) is equivalent to three years of required experience. Satisfactory completion of each year of such an approved program is equivalent to three-fourths of one year of experience.

(c) Graduation in an approved four year non-ABET, Inc. accredited engineering curriculum will be given a maximum of three years of experience.

(d) A maximum of one year may be granted for postgraduate engineering courses approved by the board for those applicants having earned degrees in accordance with (a), (b) or (c) of this subsection.

(e) A nonengineering bachelor of science program can be given a maximum of two years of experience. If the degree is followed by a master of science in engineering from a school that has an ABET, Inc. accredited undergraduate program in the same discipline as the master's degree, a maximum of four years of experience may be granted for this combination of education.

(f) Graduation with an associate degree in engineering from an approved curriculum may be equivalent of up to two years of required experience.

(g) Education gained in a piecemeal fashion over time where no degree is conferred will be granted up to a maximum of two years of experience. For the purpose of this subsection, education in a "piecemeal fashion" means: One or two classes taken at a time, often at different schools; seminars; workshops; and classes taken through industry and the military. In order to determine the appropriate amount of experience, this type of education will be compared to college coursework in a baccalaureate of engineering technology degree program.

(h) The board may approve engineering degree programs from other countries.

(i) A number of foreign degree programs are included in mutual recognition agreements entered into by ABET, Inc. with other accrediting authorities. Applicants with a degree from



one of these programs will be evaluated in accordance with (a) and (b) of this subsection. A list of those approved mutual recognition degree programs is maintained in the board office.

(ii) Applicants having engineering degrees from programs in countries that are not on the mutual recognition list will be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all necessary information to the evaluation service. ~~((If the evaluation service says that))~~ The board will use the evaluation to determine if the foreign degree is equivalent to an ABET, Inc. accredited degree. If the board determines that the degree is equivalent, experience will be granted in accordance with (a) or (b) of this subsection. If the ~~((evaluation says))~~ board determines that the foreign degree is not equivalent to an ABET, Inc. accredited degree, then a maximum of three years of experience may be granted in accordance with (c) of this subsection.

(iii) An applicant with an undergraduate foreign degree from a program that is not on the mutual recognition list, can waive the requirement for a degree evaluation if they have a master of science in engineering from a school that has an ABET, Inc. accredited undergraduate engineering degree program in the same discipline as the master's degree. A maximum of four years of experience can be granted for this combination of education.

(i) Any other education will be taken into account and evaluated on its merits.

(j) Work experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) Work experience will be approved based on a demonstration of competency and progressive responsibility in the analysis, synthesis and evaluation of engineering concepts and data, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering. Under the general guidance and direct supervision of an authorized professional, the applicant must be in a position of making independent judgments and decisions in the following experience areas:

- (a) Formulating conclusions and recommendations;
- (b) Identifying design and/or project objectives;
- (c) Identifying possible alternative methods and concepts;
- (d) Defining performance specifications and functional requirements;
- (e) Solving engineering problems;
- (f) Interacting with professionals from other areas of practice;

(g) Effectively communicating recommendations and conclusions;

(h) Demonstrating an understanding and concern for energy/environmental considerations, and sustainability of resources.

(3) The branch of structural engineering requires specialized work experience to protect the public safety. To be eligible to take the structural license examination, an applicant must have at least two years of progressive responsibility in structural engineering experience. These two years of structural experience are in addition to the eight years of engineering experience required to be registered as a professional engineer and must be documented in the application in accordance with subsection (2) of this section. The structural engineering experience must be supervised by a licensed professional engineer in the branch of structural engineering or a licensed professional engineer with significant structural engineering work experience.

(4) Engineering teaching character may be considered satisfactory experience up to a maximum of two years.

(5) Applied research is considered satisfactory experience when it meets the following conditions:

(a) The research must be conducted under the guidance or supervision of a licensed engineer. For the purposes of this subsection, guidance or supervision means being cognizant of all applicable aspects of the work and a reviewer of all applicable reporting documentation.

(b) The principle result(s) of the research are in a published report or a recognized engineering journal article in which the applicant is the first author or the work is adequately documented and available to the board upon request.

(6) For military engineering experience to be considered acceptable, it should be similar to engineering experience that would be gained in a nonmilitary environment as defined in subsection (2) of this section, and such experience must be verified.

(7) Any work experience gained without the supervision of a professional engineer authorized to practice under chapter 18.43 RCW or an individual authorized by another statute to practice engineering, or any work experience gained in any other situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be counted toward the statutory experience requirement.

AMENDATORY SECTION (Amending WSR 02-01-071, filed 12/14/01, effective 1/30/02)

**WAC 196-12-030 Examinations.** (1) Except as provided in WAC 196-12-050, to become licensed as a professional engineer the candidate must pass two stages of examination. The first stage is the fundamentals-of-engineering examination. The second stage examination consists of multiple parts including the principles and practice (branch) examination and law and ethics examination. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. The fundamentals-of-engineering examination must be passed, or waived in accordance with WAC 196-12-050, before taking the second stage examination.

Examinations are given at times and places designated by the board. ~~((The schedule of future examinations and examination syllabi may be obtained from the board office.))~~  
Refer to the respective Internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi.  
Examinees will not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of Examiners for Engineering and Surveying. If one examination part is failed, only that examination part must be retaken.

(2) If a professional engineer holding a current registration in the state of Washington wants to become licensed in multiple branches of engineering, an additional principle and practice examination must be taken in each branch.

(3) The branch of structural engineering requires a series of examinations, as determined by the board, to protect the public safety. To become licensed as a professional engineer in the branch of structural engineering, the candidate must pass: The stage 1 fundamentals-of-engineering examination; the stage 2 principles and practice of engineering (PE) and the take-home law and ethics examinations; and the stage 3 examination comprised of examinations in the principles and practice of structural engineering and structural engineering issues important to Washington state.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

**WAC 196-12-045 Comity registration of applicants qualified in other jurisdictions.** (1) Applicants for registration as a professional engineer by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee (~~and charge~~) pursuant to WAC (~~(196-26-020)~~) 196-26A-035.

(b) The applicant's qualifications must meet the requirements of chapter 18.43 RCW and this chapter.

(c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice if different from the jurisdiction of original registration.

(d) The applicant has been qualified by written examinations determined by the board to adequately test the fundamentals and principles and practice of engineering.

(2) The applicant will be required to pass the law and ethics examination and may be required to take and pass state specific examinations to demonstrate competency in issues specific to Washington.

(3) The original application for comity may be for multiple branches of engineering provided that the applicant has passed an examination in each branch equivalent to the examination given in the state of Washington. Licenses will be issued only in the branches of engineering offered by the board. Additional branches may be added at a later time; however, this will require submitting a new application and fee.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

**WAC 196-12-050 Waiving the fundamentals-of-engineering examination.** An applicant who has at least twelve years of experience satisfactory to the board as identified in WAC 196-12-020(2) after obtaining a baccalaureate degree in an approved engineering curriculum as defined in WAC 196-12-020 (1)(a), (e) and (h)(i) and (ii), may request that the stage 1 fundamentals-of-engineering (FE) examination be waived and that permission be granted to take the stage 2 examination (principles and practice and law and ethics) only: Provided, That the applicant has not failed the FE examination within the last ten years.

The opportunity to waive the stage 1 examination is based on the premise that the demonstration of a solid experience record is a better measure of engineering competency than the passage of the stage 1 examination at this point in the applicant's career. It is the board's discretion, based on information provided in the application, as to whether to grant a waiver.

Teaching experience is not limited to two years for the purposes of qualifying for this waiver.

The applicant should take note that a license granted based on waiving the fundamentals exam may not be accepted by other licensing jurisdictions.

#### NEW SECTION

**WAC 196-12-055 Temporary permits--Information required of nonresidents intending to practice thirty days or less in a calendar year.** Every nonresident engineer who intends to conduct professional practice under the exemption of RCW 18.43.130(2), shall furnish the board, a minimum of three months prior to the commencement of such work with the following information:

(1) A properly completed application as prescribed by the board.

(2) Jurisdiction where currently registered.

(3) Imprint of professional seal.

(4) Dates work is to be started and terminated in the state of Washington. If the time differential between the starting

and terminating date is in excess of thirty days in any calendar year, applicant must specify the days (totaling no more than thirty) on which the practice of engineering is to be performed in Washington.

(5) Name and address of client.

(6) Description and location (address) of project and regulating authority (if applicable).

(7) Application fee as determined by the director of the department of licensing.

Upon approval of the information submitted, the board shall issue a permit to the nonresident engineer for the temporary practice of engineering in Washington.

Plans, specifications, and reports prepared by the nonresident engineer shall be signed, dated, and stamped with their professional seal. A copy of the permit issued by this board shall be attached to the engineering documents submitted for approval or building permit.

The exemption contained in RCW 18.43.130(2) shall only apply to individuals. Corporations and partnerships shall not practice in Washington unless authorized to do so under RCW 18.43.130 (8) and (9).

## NEW SECTION

### **WAC 196-12-065 Retired status certificate of registration.**

In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional engineer having reached at least the age of sixty-five and having discontinued active practice as an engineer may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of an engineering document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional engineering services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional engineer (PE), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as an engineer in a volunteer capacity, provided that the retired registrant does not create an engineering document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the

word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on engineering topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of engineering, such as members of commissions, boards or committees;

(h) Serve in an engineering capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any engineering activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional engineer who has a valid/active registration in the records of the board;

(b) Act as the designated engineer or the engineer in responsible charge for a Washington engineering corporation or Washington engineering limited liability company;

(c) Apply their professional engineers seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active engineering practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as



defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

#### NEW SECTION

**WAC 196-16-006 Declaration and purpose.** This chapter contains rules and procedures for applications, eligibility and examinations to be licensed as professional land surveyors.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-16-007 Eligibility and applications.** The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals-of-land surveying examination to be eligible for the professional land surveyor examination. The eight years of experience must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee ((and charge)) as listed in WAC ((196-26-020)) 196-26A-025 is four months prior to the date of the examination. Late applications will be considered for a later examination. Supporting documents such as college transcripts and experience verification forms must be received by the board three months prior to the date of the examination in order for the board to determine eligibility prior to examination deadlines. Failure to have the supporting documents sent to the board by the defined deadline will result in the applicant being delayed until a later examination.

Once an application has been approved, no further application is required. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee ((and charge)) as listed in WAC ((196-26-020)) 196-26A-025 is required to reschedule for an examination.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-16-010 Experience records.** (~~The law requires eight years of experience in land surveying work of a character satisfactory to the board and passing the fundamentals of land surveying examination to be eligible for the professional land surveyor examination. The eight years of experience must be completed sixty days prior to the date of the examination.~~)

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education experience will be based on transcripts. Therefore, any transcripts not previously sent to the board's office should be submitted for maximum experience credit. Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for postgraduate college courses approved by the board. Postgraduate education will count toward the eight years of required experience as described in subsection (2) of this section.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating work experience, the board will be looking for eight years of broad based, progressive field and office experience in surveying work under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying, a minimum of four years of which shall be in a position of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional except as provided for in subsections

(1)(d) and (3) of this section. This latter experience shall not be limited to, but must include the following:

- (a) Applying state, federal and case law;
- (b) Exercising sound judgment when making independent decisions regarding complex boundary, topographic, horizontal and vertical control, and mapping issues;
- (c) Field identification and evaluation of boundary evidence, including monumentation, and the ability to use that evidence for boundary determination;
- (d) Conducting research;
- (e) Preparing and analyzing complex property descriptions; and
- (f) Interacting with clients and the public in conformance with chapter ~~((196-27))~~ 196-27A WAC.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of two years.

(4) In evaluating combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(5) Any work experience gained in a situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be credited towards the experience requirement.

(6) A registered professional engineer who applies to become registered as a professional land surveyor must meet the requirements stated within this section.

~~((7) An applicant meeting the requirements for six years of experience before the effective date of the law change on July 1, 1996, may be approved by the board to take the examination based on the rules in effect on January 1, 1996. This subsection expires on July 1, 1999.))~~

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-16-020 Examinations.** (1) To become licensed as a professional land surveyor the candidate must pass the fundamentals-of-land surveying examination, principles and practice examination, and law and ethics examination. A candidate must pass the fundamentals-of-land surveying examination before taking the principles and practice examination ~~((except a candidate approved under the six year requirement in accordance with WAC 196-16-010(7) may elect to take the principles and practice and fundamentals examinations on two consecutive days))~~. The fundamentals and principles and practice examinations are given at times and places designated by the board. ~~((The schedule of future examinations and an examination syllabus may be obtained from the board office.))~~ See the respective Internet websites of the National Council of Examiners for Engineering and Surveying (NCEES), and the board for future examination schedules and syllabi. The law and ethics exam is a take-home examination covering chapters 18.43 and 18.235 RCW and Title 196 WAC. If one of these examinations is failed, only that examination must be retaken.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-16-031 Comity--Registration of applicants qualified in other jurisdictions.** (1) Applicants for registration as a land surveyor by comity must meet the following criteria:

(a) The applicant must complete an application on forms provided by the board and filed with the executive director at the board's address accompanied by the appropriate fee pursuant to WAC 196-26A-035;

(b) The applicant's qualifications meet the requirements of chapter 18.43 RCW and this chapter;

~~((b))~~ (c) The applicant is in good standing with the licensing agency in a state, territory, possession, district, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or

the jurisdiction of most recent practice, if different from the jurisdiction of original registration~~((+))~~; and

~~((+e))~~ (d) The applicant has been qualified by a written examination determined by the board to adequately test the fundamentals and principles and practice of land surveying and whose experience includes WAC 196-16-010 (2)(a) through (f).

(2) The applicant will be required to pass examinations to demonstrate competency in land surveying issues important to Washington, and law and ethics. Comity applicants will not be required to take the fundamentals-of-land surveying and full principles and practice examinations administered by the board.

## NEW SECTION

### **WAC 196-16-035 Retired status certificate of registration.**

In accordance with RCW 18.43.075, any individual who has been issued a certificate of registration, in accordance with chapter 18.43 RCW, as a professional land surveyor, having reached at least the age of sixty-five and having discontinued active practice as a land surveyor, may be eligible to obtain a "retired certificate of registration." If granted, further certificate of registration renewal fees are waived. For the purpose of this provision, "active practice" is defined as exercising direct supervision and control over the development and production of a land surveying document as provided in RCW 18.43.070 and/or any related activities pertaining to the offer of and/or the providing of professional land surveying services as defined in RCW 18.43.020.

(1) Applications. Those persons wishing to obtain the status of a retired registration shall complete an application on a form as provided by the board. Applications shall be sent to the executive director at the address of the board. Upon receipt of said application and, if deemed eligible by the board, the retired status would become effective on the first scheduled renewal date of the certificate of registration that occurs on or after the applicant reaches the age of sixty-five. It shall not be necessary that an expired certificate of registration be renewed to be eligible for this status. The board will not provide refund of renewal fees if the application for "retired" status is made and granted before the date of expiration of the certificate of registration.

(2) Privileges. In addition to the waiver of the renewal fee, a retired registrant is permitted to:

(a) Retain the board issued wall certificate of registration;

(b) Use the title professional land surveyor (PLS), provided that it is supplemented by the term retired, or the abbreviation "ret";

(c) Work as a land surveyor in a volunteer capacity, provided that the retired registrant does not create a land surveying document, and does not use their seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.43 RCW. If using their professional seal the retired registrant may place the

word "retired" in the space designated for the date of expiration;

(e) Serve in an instructional capacity on land surveying topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to land surveying work performed by the registrant before they were granted a retired registration;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of land surveying, such as members of commissions, boards or committees;

(h) Serve in a land surveying capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.43 RCW.

(3) Restrictions. A retired registrant is not permitted to:

(a) Perform any land surveying activity, as provided for in RCW 18.43.020, unless said activity is under the direct supervision of a Washington state professional land surveyor who has a valid/active registration in the records of the board;

(b) Act as the designated land surveyor or land surveyor in responsible charge for a Washington land surveying corporation or Washington land surveying limited liability company;

(c) Apply their professional land surveyors seal, as provided for in RCW 18.43.070, to any plan, specification, plat or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of registration reinstatement. A retired registrant, upon written request to the board and payment of the current renewal fee, may resume active land surveying practice. At that time the retired registrant shall be removed from retired status and placed on valid/active status in the records of the board. All rights and responsibilities of a valid/active registration will be in effect. At the date of expiration of the reinstated certificate of registration, the registrant may elect to either continue active registration or may again apply for retired registration in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall a registrant be eligible for a retired registration if their certificate of registration has been revoked, surrendered or in any way permanently terminated by the board under RCW 18.43.110. Registrants who are suspended from practice and/or who are subject to terms of a board order at the time they reach age sixty-five shall not be eligible for a retired registration until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered "misconduct and/or malpractice" as defined in RCW 18.43.105. Such violations are subject to penalties as provided for in RCW 18.235.110 and 18.43.120.

#### NEW SECTION

**WAC 196-21-005 Declaration and purpose.** This chapter contains rules and procedures for applications, eligibility and examinations to be enrolled as land surveyors-in-training.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-21-010 Eligibility and applications.** The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals-of-land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals-of-land surveying examination must be completed sixty days prior to the date of the examination.

All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee (~~(and charge)~~) as listed in WAC (~~((196-26-020))~~) 196-26A-025 is four months prior to the date of examination. Late applications will be considered for a later examination.

All applicants should submit transcripts of degrees attained or college courses taken in order to obtain maximum experience credit except, applicants enrolled in a school or college that have achieved senior standing in a baccalaureate curriculum in land surveying approved by the board will be eligible to take the fundamentals-of-land surveying examination without submitting college transcripts.

Once an application has been approved, no further application is required. An applicant who has taken an



examination and failed or who qualified for an examination but did not take it shall submit a request in writing, accompanied by the applicable fee as listed in WAC 196-26A-025, to take or retake the examination, at least three months prior to the examination date. ~~((A written request accompanied by the applicable fee and charge as listed in WAC 196-26-020 shall be submitted to the board's office.))~~

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-21-020 Experience.** ~~((The law requires completing four years of experience or having achieved senior standing in a school or college approved by the board prior to taking the fundamentals of land surveying examination. If the applicant has achieved senior standing, that status must be certified by said school or college. The four years may be gained as: Four years of approved education; four years of experience approved by the board; four years of combined education and experience. The experience to qualify for the fundamentals of land surveying examination must be completed sixty days prior to the date of the examination.))~~

The board shall evaluate all experience, which includes education, on a case-by-case basis and approve such experience as appropriate. The board will use the following criteria in evaluating an applicant's experience record.

(1) Education may be approved as experience based on the following:

(a) Graduation with a baccalaureate degree in land surveying from an approved curriculum shall be equivalent to four years of required experience.

(b) Graduation with an associate degree in land surveying from an approved curriculum shall be equivalent to two years of required experience.

(c) Each year completed of an approved curriculum without graduation shall be granted up to a year of required experience.

(d) A maximum of one year may be granted for postgraduate college courses approved by the board.

(e) Any other education will be taken into account and evaluated on its merits.

(f) Experience gained between semesters or quarters or during summers while enrolled in an approved curriculum will be considered as part of the educational process. The board grants one year of experience for a year of approved education including any associated work experience within that year.

(2) In evaluating four years of work experience, the board will be looking for broad based, progressive experience in the fundamental knowledge of surveying theory and practice under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice land surveying. This experience shall not be limited to, but must include the following:

- (a) Performing complex survey calculations;
- (b) Conducting boundary and corner research;
- (c) Preparing and using property descriptions;
- (d) Understanding and applying fundamental boundary and topographic principles;
- (e) Making and/or analyzing horizontal and vertical control measurements; and
- (f) Being skilled in survey equipment care and usage.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (f) of this subsection.

(3) In evaluating the four years of combined education and experience the board will be looking at transcripts and work experience to determine knowledge in subsection (2)(a) through (f) of this section.

(4) In the judgment of the board, the applicant must have demonstrated increased levels of responsibility and a continuous gain in experience and knowledge such that at the time of being approved for the fundamentals-of-land surveying examination, the applicant is capable of making independent judgments and decisions under the general guidance and direct supervision of an authorized professional.

AMENDATORY SECTION (Amending WSR 96-11-086, filed 5/14/96, effective 7/1/96)

**WAC 196-21-030 Examinations.** (1) The fundamentals-of-land surveying examination is given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained (~~((from the board office))~~) at the Internet website of the National Council of Examiners for Engineering and Surveying (NCEES).

(2) An applicant passing the fundamentals-of-land surveying examination will be enrolled as a land surveyor-in-training pursuant to RCW 18.43.020(8).

AMENDATORY SECTION (Amending WSR 01-09-017, filed 4/6/01, effective 5/7/01)

**WAC 196-23-070 Signature.** The terms "signature or signed", as used in chapter 18.43 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification that represents the act of putting one's name on a document to attest to its validity. The handwritten identification must be:

- (a) Original and written by hand;
- (b) Permanently affixed to the document(s) being certified;
- (c) Applied to the document by the identified registrant.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification must be:

- (a) Unique to the registrant using it;
- (b) Capable of independent verification;
- (c) Under the exclusive control of the registrant using it;
- (d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed(~~(+~~

~~(e) In conformance with the definition of "digital signature" as it appears in chapter 19.34 RCW, Washington Electronic Authentication Act)).~~

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 196-24-041	Brief adjudicative proceedings--
	Denials based on failure to meet
	prerequisites for licensure,
	temporary permit, or examination.
WAC 196-24-080	Fees.
WAC 196-24-085	Temporary permits--Information
	required of nonresidents intending
	to practice thirty days or less in
	a calendar year.
WAC 196-24-100	Meetings and officers.
WAC 196-24-105	Examination review.
WAC 196-24-110	Land surveying standards.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

**WAC 196-25-001 Purpose.** The purpose of this chapter is to provide clarification on how businesses are authorized to provide engineering of land surveying services in Washington and to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

**WAC 196-25-002 Definitions. Board.** The Washington state board of registration for professional engineers and land surveyors.

**Professional engineer.** A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

**Professional land surveyor.** A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

**Resident engineer or resident land surveyor.** A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.

**Business.** A sole proprietorship, corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited liability company (PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.

**Designee, designated engineer, designated land surveyor.** A currently registered professional engineer designated by the business to be in responsible charge of engineering activities for the business in ((~~this state~~)) Washington, OR, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in ((~~this state~~)) Washington. The sole proprietor of an engineering and/or land surveying business is deemed to be the designee of that business.

**Employee.** A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.

**Branch office.** One or more alternate locations in Washington of a business, not recognized as the business's main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.

**Project office.** A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for providing specific engineering and/or land surveying services only in support of a project.

**Certificate of authorization.** A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

**WAC 196-25-005 Businesses that must be authorized by the board.** Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all corporations, joint stock associations and limited liability companies (LLC's) that offer engineering or land surveying services must ~~((apply to))~~ obtain from the board ~~((for))~~ a certificate of authorization to practice engineering or land surveying or both in the state of Washington.

~~((Effective July 1, 1998, engineering partnerships currently registered with the board will no longer be required to pay an annual renewal fee. Also effective July 1, partnerships and limited liability partnerships offering engineering and/or land surveying services will not be required to apply for a certificate of authorization from the board. However, the))~~ A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.

AMENDATORY SECTION (Amending WSR 98-12-053, filed 5/29/98, effective 7/1/98)

**WAC 196-25-010 Applications.** All applications must be completed on forms provided by the board and ~~((filed with the executive director at the board's address and be accompanied by the appropriate fee as listed in WAC 196-26-020))~~ submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; affidavit of professional engineer and/or land surveyor; and, certified copy of resolution naming the designated engineer, or land surveyor, or both.

AMENDATORY SECTION (Amending WSR 99-15-057, filed 7/15/99, effective 8/15/99)

**WAC 196-25-040 Provisions pertaining to both corporations and limited liability companies.** (1) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

~~((An affidavit must be signed by the designee(s) stating that he or she knows they have been designated by the business as being responsible for the engineering and/or land surveying activities in the state of Washington.~~

~~(3))~~ The designated engineer and/or designated land surveyor must be an employee of the business.

~~((4))~~ (3) No person may be the designated engineer or designated land surveyor at more than one business at any one time.

~~((5) If))~~ (4) When there is a change in the designee(s), the business must notify the board in writing ~~((within thirty days))~~ of the effective date of the change and submit a new affidavit.

~~((6))~~ (5) If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the ~~((filing))~~ name change.

~~((7))~~ (6) At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company has been "renewed by the authority of the secretary of state" and shows a current expiration date.

~~((8))~~ (7) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

AMENDATORY SECTION (Amending WSR 99-15-053, filed 7/15/99, effective 8/15/99)

**WAC 196-25-050 Branch offices ~~((and places of business))~~.**

(1) An engineering ~~((firm))~~ business or land surveying ~~((firm))~~ business maintaining branch offices shall have a resident ~~((professional))~~ engineer or resident ~~((professional))~~ land surveyor, as applicable, ~~((for each branch office as well as the parent location. A branch office of an engineering or land surveying firm shall be defined as an office established to solicit and/or provide engineering and/or land surveying services. A resident professional engineer or professional land surveyor shall be defined as a person who:~~

~~(a) Holds a valid license in this state;~~

~~(b) Maintains said branch office or parent location as his/her normal place of employment; and~~

~~(c) Is in responsible charge of said engineering and/or land surveying services.~~

~~(2) A project office shall be defined as an extension of a firm that is used:~~

~~(a) For supervision for construction of a project designed elsewhere.~~

~~(b) As a convenient workplace for a specific land surveying or engineering project. A project office is not allowed to offer services and shall not be required to have a resident professional engineer or resident land surveyor))~~ in responsible charge of said engineering and/or land surveying services.



## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 196-25-020	Corporations or joint stock associations.
WAC 196-25-030	Limited liability companies.
WAC 196-25-100	Retired status certificate of registration.

## NEW SECTION

**WAC 196-27A-025 Specific guidance concerning the monumentation, posting, and/or marking of a boundary line between two existing corner monuments.** The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment. Further, the placement of undocumented monument-like objects along the boundary line between such existing corner monuments has the potential for creating confusion and possible public harm. Therefore:

(1) Such work constitutes the "practice of land surveying" as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed by or under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish such work shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) If the monumentation, posting, or marking activity involves placement of objects along the boundary line, that may be construed by the public to be monuments, the land surveyor shall file a record of survey according to chapter 58.09 RCW.

(4) If the monumentation, posting, or marking activity does not involve placement of such objects as described in subsection (3) of this section, the land surveyor shall file, according to chapter 58.09 RCW, a record of the monuments and accessories found at each corner location, unless such documentation has been previously recorded under chapter 58.09 or 58.17 RCW.